IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

AGIS SOFTWARE DEVELOPMENT LLC
 	
    Plaintiff,
 	
    v.
 	
GOOGLE LLC
 	
    Defendant.
	CIVIL ACTION NO. 2:19-cv-00361-JRG
	
	███████████

DECLARATION OF JOSHUA CHA

I, Joshua Cha, declare and state as follows:

1.   I am a Program Manager on the Google Cloud Interconnect product that is part of the networking offering in the Google Cloud Platform ("GCP"). I work at Google's offices located in Sunnyvale, California. I have been a Google employee since May 2016.

2.   I provide this declaration in support of Google's motion to dismiss for improper venue. I submit this declaration based on my personal knowledge, review of relevant company records and other information.

3.   Google Cloud Interconnect ("GCI") is a service offered by Google which allows a customer company to connect its on-premises network to Google's network (specifically, to Google's Cloud Platform or "GCP"). GCI enables a customer to transfer large amounts of data between its network and Google's network, which can be more desirable to a customer than purchasing additional bandwidth over the public Internet needed to transfer data to and from Google's network. A customer can connect to GCI through a Dedicated Interconnect or through a Partner Interconnect.

4.   A Dedicated Interconnect to GCI involves physically interconnecting a customer's routing equipment with Google servers at a common colocation facility, known as a Point of Presence ("POP"). The customer's on-premises routing equipment meets Google's "peering edge" at the POP by way of the physical interconnection.

5.   No Google PoPs are located in the Eastern District of Texas. Dedicated Interconnects are available from approximately 81 GCI colocation facilities (or POPs) nationwide. The closest GCI colocation facilities (or POP) to the Eastern District of Texas are located in Dallas, Texas. A Google customer thus cannot establish a Direct Interconnect through a Google POP server in the Eastern District of Texas.

6.   A GCI Partner Interconnect provides connectivity between a customer's network and Google's network (GCP) through an independent, non-Google service provider, i.e., a Partner Interconnect Service Provider (PISPs). The PISP directly interconnects with Google's network at a POP and then allows the PISP's customers to connect with their resources in Google Cloud. Partner Interconnects also allow customers indirectly (via a non-Google service provider) to connect to Google's networks at bandwidth rates lower than that required for Dedicated Interconnects. A PISP establishes a direct physical interconnection between its routing equipment and Google's routers at a colocation facility (POPs) where the PISP and Google share a common presence.

8.   Google also offers a Direct Peering service. Direct Peering allows a customer to connect its network to Google's network to provide the customer with direct access to Google's GSuite and other Google services, in addition to GCP. To establish Direct Peering with Google, a customer establishes a direct physical connection with a Google POP. A customer cannot establish

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a physical Direct Peering connection with Google in the Eastern District of Texas. Google has no PoP in the Eastern District of Texas.

9.   One PISP with which Google has an established PISP relationship is Megaport. Megaport is a separate company that is entirely independent of Google. Google does not have any ownership interest in Megaport. Google does not own or lease any equipment at Megaport's facilities. Google does not provide any equipment to Megaport. Google does not maintain any, or locate any, of its equipment at Megaport's facilities. Google personnel are not responsible for conducting any actions at Megaport's facilities. Google understands that Megaport owns no facilities in the Eastern District of Texas.
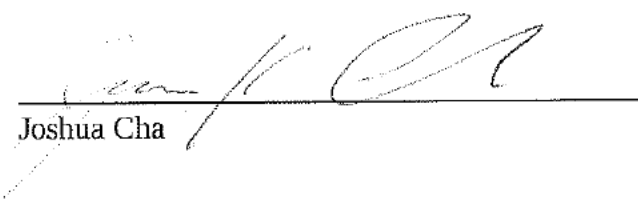
10.   Google understands that CyrusOne is a data center provider that owns data center facilities at 1649 Frankford Rd. in West Carrollton, Texas and 2501 S. State Hwy 121, Business Suite 500, Lewisville, Texas. Google understands that CyrusOne has some relationship with Megaport that allows the two companies to facilitate data interconnectivity for customers through their respective data centers.

11.   Google has no ownership interest in CyrusOne. Google does not own or lease any equipment at CyrusOne's facilities in the Eastern District of Texas. Google does not provide any equipment to CyrusOne in the Eastern District of Texas. Google does not maintain or locate any of its equipment at CyrusOne's facilities in the Eastern District of Texas. Google personnel are not responsible for conducting any actions at CyrusOne's facilities in the Eastern District of Texas.

12.   Google understands that Megaport provides a "Looking Glass" feature at https://lg.megaport.com/. A Looking Glass website provides information about internet routing paths running on an Internet Service Provider (ISP) or Internet Exchange Point (IXP) server.

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Megaport's Looking Glass indicates that Google's network can be accessed via Megaport's

network on IP address 206.53.174.7. That does not indicate or imply that any Google-owned

physical equipment is resident at Megaport's facilities.

I declare under penalty of perjury that the foregoing is true and correct to the best of my

knowledge. Executed on February _11_, 2020, in Sunnyvale, California.

_____

Joshua Cha

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